

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 UNITED STATES OF AMERICA,)
5 PLAINTIFF,)
6 vs.) CASE NO. 2:13-cr-106(1)
7 VALERIO V. ALEXANDER,)
8 DEFENDANT.)

9 TRANSCRIPT OF THE PROCEEDINGS OF THE SENTENCING HEARING
10 BEFORE THE HONORABLE EDMUND A. SARGUS, JR.
11 THURSDAY, JANUARY 29, 2015, AT 1:45 P.M.

12 COLUMBUS, OHIO

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1 Thursday Afternoon Session

2 January 29, 2015

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4 THE DEPUTY CLERK: Criminal case CR2-13-106, defendant
5 no. 1, United States of America versus Valerio V. Alexander.

6 MS. SOLOVE: Ms. Hill is going to handle this matter. If
7 we could just have a second.

8 THE COURT: You may.

9 Counsel, good afternoon. Starting with the government,
10 would you, please, enter your appearances.

11 MS. HILL: Good afternoon, Your Honor. Heather Hill for
12 the United States.

13 MR. YEAZEL: Keith Yeazel on behalf of Valerio Alexander,
14 who's present in the courtroom.

15 THE COURT: Good afternoon. And, Ms. Hill, would you,
16 please, indicate on the record the current status of this case?

17 MS. HILL: Yes, Your Honor. In January of 2014 the
18 defendant, Valerio Alexander, entered a plea of guilty to one
19 count of child sex trafficking, in violation of 18 United States
20 Code Section 1591. We are here today for the defendant to be
21 sentenced pursuant to that guilty plea.

22 THE COURT: Thank you.

23 Mr. Alexander, have you received a copy of the
24 presentence investigation report in this case?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: And there has been a subsequent addendum
2 that's followed. Mr. Yeazel, has Mr. Alexander also seen that
3 document?

4 MR. YEAZEL: Yes, we discussed the addendum.

5 THE COURT: All right. There are some objections we will
6 resolve in just a moment. But, Mr. Alexander, have you also had
7 the opportunity to read the document and discuss it with your
8 counsel, Mr. Keith Yeazel?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: All right. Mr. Yeazel and Ms. Hill, I'm
11 going to give you advance notice, I am going to adopt and accept
12 the plea agreement that you've reached, but that still leaves
13 objections. I don't want to overlook those. We can address those
14 at this time. We will start with objection no. 1 from the
15 government. Actually, it's listed that way. It's actually by the
16 defense. There is no objection from the government.

17 MS. HILL: Your Honor, there are no objections from the
18 government.

19 THE COURT: All right.

20 MS. HILL: We have responded to all of the defense's
21 objections.

22 THE COURT: Mr. Yeazel, you may address your first issue.

23 MR. YEAZEL: Thank you, Your Honor. Well, Your Honor, as
24 we set forth in our written objections, we object that there's an
25 enhancement that is applied where there is a presumption that he

1 unduly influenced a minor. We believe that he did not unduly
2 influence the minor. There's a significant number of reasons.
3 The first reason is, of course, she's 16 years old. And in Ohio,
4 age 16 is the age of consent. And, yes, she can consent to engage
5 in illegal activity in the Ohio. That consent also allows you to
6 consent to sex.

7 THE COURT: That's not the federal age, though.

8 MR. YEAZEL: Right, that may not be the federal age, but
9 it's the state age. And there's probably a Constitutional issue
10 there, probably under the Tenth Amendment or maybe under the
11 Ninth. The point that I'm making is that just because he was 46
12 years older -- older than the minor, that presumption should be a
13 bursting bubble presumption especially in this case when the facts
14 show that the mother of the child was the one who basically
15 brought this woman into sex trafficking.

16 We do not believe that he provided her specifically with
17 drugs or condoms to the minor. That information solely comes from
18 these other people and not from the defendant. And he certainly
19 did not tell her how to talk to prostitution clients. The record
20 clearly would show that Chardanay was the person who did that.
21 And we think that the presumption, therefore, should be rebutted.

22 THE COURT: All right. I'll note your objection. I'm
23 going to overrule that objection.

24 MR. YEAZEL: Thank you, Your Honor.

25 THE COURT: We'll go to objection no. 2.

1 MR. YEAZEL: The next one is the enhancement for the
2 computer. And in this case, he didn't use a computer. That was
3 used by Chardanay to upload photographs and put an ad on Facebook
4 -- or not Facebook, backpage. And we believe that that
5 enhancement is improper for those reasons.

6 THE COURT: All right. I want to note this is not going
7 to change the way the 11(c) (1) (C) plea is made, but I am going to
8 sustain that objection.

9 MR. YEAZEL: Thank you, Your Honor. Your Honor, there's
10 a two-level enhancement for causing a minor to engage in a sex act
11 or sexual contact. We believe the evidence shows that the
12 defendant didn't place this ad on backpage. This, in fact, was
13 placed by Chardanay, and she did all that. So we would say that
14 he wasn't the person who did that. It was the mother and
15 Chardanay together that got this girl to engage in sexual activity
16 for hire.

17 THE COURT: Ms. Hill, I don't mean to pass you by, but
18 I'm prepared to overrule that objection. You may be heard, if you
19 wish.

20 MS. HILL: Your Honor, I will -- If Your Honor is
21 prepared to overrule that objection based on the arguments that
22 are contained in the PSR addendum, then I have nothing further.

23 THE COURT: All right. Thank you.
24 Then we'll go to objection no. 3.

25 MR. YEAZEL: I believe that's the role in the offense

1 objection.

2 THE COURT: All right.

3 MR. YEAZEL: And we believe that there's no proof that

4 Mr. --

5 THE COURT: Actually, I'm sorry, I don't want to confuse
6 you on this. I think no. 3 has to do with guideline 2G1.3 -- and
7 then there's a number of these -- (b) (4) (B). But that has to do
8 with engaging a minor in a sex act.

9 MR. YEAZEL: Yeah, I think I just covered that, Your
10 Honor.

11 THE COURT: I'm going to overrule that as well.

12 We will go to no. 4, which is the role in the offense.

13 MR. YEAZEL: Yes, Your Honor, the role in the offense.
14 We don't believe that he was a manager or supervisor of Jane Doe
15 No. 1 or Thomasina Howard and do not believe there's any proof
16 that he induced -- or directed Chardanay to induce Jane Doe to
17 engage in commercial sexual activity. It is our position that
18 Chardanay was acting independently of Mr. Alexander with respect
19 to Jane Doe No. 1.

20 THE COURT: Ms. Hill, what's your view?

21 MS. SOLOVE: Your Honor, the facts that were established
22 during the plea hearing in this case showed that the defendant was
23 the one who drove Chardanay to the house to pick up both Jane Doe
24 No. 1 and Thomasina Howard, that he was -- basically brought them
25 all together, that he took the pictures, that he gave them, gave

1 the pictures, to Chardanay for her to place on backpage, that he
2 then directed Jane Doe No. 1 and Chardanay's discussions about how
3 they would be -- or how Jane Doe was to engage in commercial
4 sexual activity. So he was overseeing both the activities of Jane
5 Doe No. 1 and Chardanay; and based on that, we do believe that he
6 is properly charged with this enhancement for being a supervisor
7 or a manager of at least one -- of one or more participants.

8 THE COURT: All right. I'm going to overrule that
9 objection for the reasons just given by Ms. Hill.

10 And we'll go to the last objection, which has to do with
11 acceptance of responsibility.

12 MR. YEAZEL: Thank you, Your Honor. Well, Your Honor, as
13 the presentence investigation report notes on page 6, paragraph
14 25, Mr. Alexander agreed with the statement of facts and didn't
15 want to elaborate further on his involvement or manner. And under
16 application note (1) (a) of 3E1.1 of the United States Sentencing
17 Guidelines, the defendant may remain silent in respect to relevant
18 conduct beyond the offense of conviction without affecting his
19 ability to obtain a reduction under this statute.

20 We believe those two factors, if you read those *in pari*
21 *materia*, the facts as well as the legal standard under 3E1.1, that
22 he in fact has accepted responsibility.

23 THE COURT: So, Ms. Hill, we both know the history, as
24 does Mr. Yeazel. I don't think there would be an entitlement to
25 the third point for sure. That would be under 3E1.1(b). What is

1 the government's view as far as the two points under part (a) of
2 that same guideline?

3 MS. HILL: Well, Your Honor, obviously we tried to get
4 out of having to take any position on this in our response to
5 Ms. Boucher's -- or the objections that we gave to Ms. Boucher
6 because I -- and, frankly, I just find it very difficult --

7 THE COURT: And you do understand, I want to be clear
8 again, this is not going to change what you've agreed to. So --

9 MS. HILL: I understand. And while if he were just
10 objecting to the relevant conduct, then I would agree with
11 Mr. Yeazel. But this is a case in which there have been two
12 motions to withdraw his guilty plea. He got on the stand himself
13 and essentially tried to say he had nothing to do with this and
14 that it was all Thomasina Howard and Chardanay on their own, is
15 sort of saying the same thing here today. And that, with all of
16 those facts, I find it very hard to call this acceptance of
17 responsibility.

18 Balancing that out, however, against the fact that he did
19 come in here on the date of his guilty plea and he did accept the
20 statement of facts as true and accurate, and that is why we're all
21 here today. So those are sort of the two competing factors that
22 the government is looking at.

23 I think that initially, and I believe in one prior
24 version of the PSR, he was given acceptance of responsibility. I
25 think that that was accurate. But I think when you look at the

1 facts that have occurred since that time, since that initial PSR,
2 I think it's very hard to say that a defendant in this position,
3 who has taken these actions, really has accepted responsibility as
4 that is defined in the guidelines in section 3E1.1.

5 THE COURT: Well, I think it's a close call, and, again,
6 I note that this will not change the ultimate computation of
7 sentence in this case, but for the sake of caution, I'm going to
8 grant the objection as far as two points.

9 So there are two objections that have been sustained.
10 That will reduce the offense level by four. Just to make sure
11 we've done the math correctly, by my computation that would give a
12 final offense level of 34, and the criminal history category will
13 stay the same at a VI; and that yields a sentencing guideline
14 range of 262 to 327 months.

15 All right. Mr. Yeazel, you may address -- I have
16 received, of course, your submission in writing. But you may at
17 this time address any issue you believe relevant to sentencing.

18 MR. YEAZEL: The only issue that I have not raised in my
19 sentencing memorandum with the Court, Mr. Alexander wanted me to
20 raise the issue of the fact that Thomasina Howard got 5 years, and
21 he's going to get 15 years. And Thomasina Howard is actually the
22 mother of Jane Doe No. 1 who introduced her to prostitution. He
23 understandably finds that those sentences are somewhat
24 incongruent, that he's getting a sentence that's not two times
25 but --

1 THE COURT: And I -- There is a great disparity there,
2 but there are two issues, and I would like to address both of
3 those. One is that she cooperated. He did not. And the other is
4 he is in the highest possible level of a criminal past. He is in
5 a category of VI. She was in a category of I as I -- Ms. Hill,
6 you may correct me if I'm wrong.

7 MS. HILL: That's not correct, Your Honor. She did have
8 a significant criminal history as well.

9 THE COURT: What category was she in, do you recall?

10 MS. HILL: I don't remember, but I know that she had a --

11 THE COURT: She wasn't a I.

12 MS. HILL: She was not a I.

13 THE COURT: Okay. Thank you. That's -- But there was
14 some difference in the criminal history category, huge difference
15 in the cooperation.

16 MR. YEAZEL: And she also got a charge bargain, and
17 that's just simply -- we're just going to leave it at that, Your
18 Honor. Those are the bases for Mr. Alexander's last and final
19 objection, Your Honor.

20 THE COURT: All right. Mr. Alexander, if you would like
21 to speak, this would be the time. You're not required to, but you
22 may, if you wish.

23 THE DEFENDANT: No, that's it, Your Honor. Mr. Yeazel
24 covered everything.

25 THE COURT: All right. Ms. Hill, anything additional? I

1 have your memorandum in support of the plea agreement reached as
2 well. And anything that you would like to add at this time would
3 be appropriate.

4 MS. HILL: Your Honor, I will be very brief. In brief
5 response to Mr. Yeazel's comments, there is a significant
6 disparity in the sentence that was given to Ms. Howard and this
7 defendant. And that is in part due to her cooperation, and her
8 cooperation extends to an overwhelming acceptance of
9 responsibility in which she came to the government, admitted her
10 guilt, had obvious complete remorse for that, not only aided the
11 government but also made significant steps to try to remedy her
12 behavior.

13 And as we were in sentencing on Ms. Howard's case, I
14 believe I informed the Court of various reasons why we had made
15 the plea agreement that we made with her, that in addition to the
16 cooperation, that there has been significant issues in her past,
17 and it was her history and characteristics, her background in and
18 of itself that it appeared to the government from all of the facts
19 from Ms. Howard and all the other witnesses that we had talked to
20 that in fact this defendant was the one who was not only bringing
21 the minor victim, Jane Doe No. 1, into prostitution but did so by
22 manipulating the mother's cocaine addiction. And so from the
23 government's point of view, he is more culpable; and that is why a
24 sentence of 15 years is warranted because this is a serious
25 offense.

1 And Ms. Howard got a significant sentence based on all of
2 the factors and her cooperation. She's still doing jail time and
3 will still serve a term of supervised release and a term of
4 supervised release that will require her to do a significant
5 number of things.

6 But the offense is serious. This defendant's culpability
7 for the offense, from the government's perspective, is much more
8 serious, and that's why this sentence of 15 years is warranted,
9 particularly in light of the various significant sentences
10 indicated by the guideline range he's getting a break, even though
11 he hasn't fully, from the government's perspective, accepted
12 responsibility and never did cooperate with the government.

13 So for all of those reasons, Your Honor, we do believe
14 that this is -- this is fair.

15 THE COURT: Thank you, Ms. Hill.

16 Mr. Yeazel, you can have the last word, if you wish.

17 MR. YEAZEL: Well, Your Honor, I think we set forth in
18 the sentencing memorandum that we believe, because the deal was
19 made and the Court has accepted the plea agreement, that, well --

20 THE COURT: I haven't yet, but I'm about to. So, all
21 right.

22 MR. YEAZEL: That you're going to give him 15 years, and
23 we understand that that's what's going to happen.

24 THE COURT: Before we proceed to sentencing, let me ask
25 you both, the presentence report -- which by the way is a very

1 well written report, Ms. Boucher, thank you for that -- there are
2 several dates listed as to when the defendant came into custody.
3 And I would like to pinpoint the date this sentence will start
4 before we begin.

5 He was arrested in March of 2013 by state law
6 enforcement. He came into the marshal's custody on May 1 of 2013.
7 Do you have a view as to the start date?

8 MR. YEAZEL: He indicated to me before the court
9 proceeding that he thought that he was arrested on the 7th. Okay?

10 THE COURT: Well --

11 MR. YEAZEL: And I know it says that he was arrested on
12 the 8th of --

13 THE COURT: Well, there's that issue. But there's also:
14 Who did the arrest? These are the state authorities at that
15 point.

16 MR. YEAZEL: We believe, Your Honor, that because he was
17 arrested by state law enforcement, that those days should count
18 because it's the same case. And it would be like adopting a drug
19 case. It's the same thing.

20 THE COURT: Ms. Hill, it's the same operative factors
21 that we're talking about, isn't it?

22 MS. HILL: Well, he was arrested on the same sort of
23 issues, charges, in a related incident. He was not actually kept
24 in state custody during that time between his arrest on state
25 charges and his being --

1 THE COURT: So that's the --

2 MS. HILL: -- brought into the marshal service is because
3 he had a detainer through ICE. So it's completely an
4 immigration-related matter that kept him held until May 1 when he
5 was -- when an arrest warrant was filed in this case -- or
6 actually, I believe it was the indictment, yes, that was filed in
7 this case, and he was brought into the custody of the United
8 States Marshal Service.

9 THE COURT: So he would have bonded out on the state
10 charges, but there was a holder from ICE --

11 MS. HILL: That is correct.

12 THE COURT: -- Immigration and Customers Enforcement.
13 But the holder -- He was here illegally, but he was also charged
14 with a serious felony. So it was a combination that caused the
15 holder to be put on.

16 MS. HILL: The basis for the holder was not actually the
17 state charges because I believe those were actually dismissed
18 rather quickly. It was because of his prior criminal history that
19 had never been discovered by ICE. So in a way, yes, these state
20 charges made ICE aware of this individual and his prior criminal
21 history. But he was not -- The detainer was not due to him being
22 charged with anything related to this case. It was because of his
23 criminal history, that he actually should have been processed
24 through ICE at some prior date --

25 THE COURT: Well, to be blunt, to be precise, he was here

1 illegally at the time the holder was put on, but the other charges
2 that preceded this would have been enough to deport him.

3 MS. HILL: Correct. His prior convictions --

4 THE COURT: Yes.

5 MS. HILL: -- would have been enough to deport him, yes.

6 THE COURT: Yes. Mr. Yeazel?

7 MR. YEAZEL: Your Honor, we would note, and I believe the
8 proper citation is United States Sentencing Guideline 5C1.3, we
9 would request, because this is time that will not be attributed to
10 any other sentence, that the Court has the authority to depart, in
11 other words, and by depart, merely subtract off the time that it
12 would impose, the amount of time that he would have received if
13 the Bureau of Prisons would credit this. And I don't believe the
14 Bureau of Prisons is going to credit from 3-8-2013 until he was
15 arrested and detained by the U.S. Marshal Service --

16 THE COURT: What was your citation again?

17 MR. YEAZEL: I believe it's 5C1.3, Your Honor. I think
18 it is, but I'm not --

19 THE COURT: It stops at 1.2. So it can't be that.

20 MR. YEAZEL: Is that the new guideline? I have a book,
21 Your Honor.

22 THE COURT: That's all right. Well --

23 MR. YEAZEL: You have the authority to --

24 THE COURT: I don't want the sentence to count twice, but
25 I do want it to count once. So at this point I am going to find

1 that the sentence began at the time of arrest, which was March 3,
2 2013, and he has been in custody ever since that time.

3 MR. YEAZEL: Yes, Your Honor.

4 THE COURT: All right.

5 MR. YEAZEL: That resolves that issue. Thank you.

6 MS. HILL: Your Honor, very briefly, the PSR indicates it
7 was actually March 8. It doesn't really -- It's a matter of five
8 days, but --

9 THE COURT: Well, did I say 3rd?

10 MS. HILL: Yes.

11 THE COURT: It's March 8.

12 MS. HILL: Okay.

13 THE COURT: That's what I meant to say, March 8.

14 MS. HILL: Very well, Your Honor.

15 THE COURT: It corresponds to the presentence report.

16 All right. The defendant is before me for sentencing
17 after pleading guilty to Count Two, sex trafficking of children,
18 in violation of Chapter 18 of the United States Code Section 1591,
19 parts (a) and (b).

20 There's a preliminary matter. The parties have entered a
21 plea agreement under criminal rule 11(c)(1)(C), which sounds very
22 mathematically, but bluntly, it is an agreement that the parties
23 have asked me to adopt, and I have the option of accepting the
24 agreement or rejecting it. If I reject it, then either party may
25 withdraw from the agreement.

1 As I told counsel when the plea was first submitted and
2 defendant pleaded guilty to the charges, I accepted the plea of
3 guilty, but I reserved accepting the plea agreement until I had a
4 chance to see the entire plea report, a final presentence
5 investigation report, which I've done. And as we'll talk in just
6 a moment, the agreed sentence is severe, but the guidelines are
7 even more severe. So for reasons I'll express throughout this
8 sentencing, I believe that what the parties have agreed to is a
9 fair resolution of the matter, and I'm going to accept the plea
10 agreement. But I'm also going to walk through the formalities of
11 what otherwise would be the sentencing analysis.

12 My first task is to correctly compute the sentencing
13 guideline range, and I compute that to be 262 to 327 months for
14 the reasons already given. I am next to look at the guidelines
15 themselves to see if there are any appropriate departure bases,
16 and I find there are none for either an upward or downward
17 departure, particularly in light of the agreement reached by the
18 parties. And then the last and most difficult part is to look at
19 a number of facts under federal criminal law under section 3553(a)
20 of Chapter 18.

21 I am first to look at the nature and circumstances of the
22 offense together with the history and characteristics of the
23 defendant. In the Court's view, the offense is of a very great
24 magnitude. The defendant basically solicited an individual who
25 was a minor to allow herself to be photographed in a sexually

1 explicit way and then to, on the Internet, to essentially
2 advertise her for services, which she provided to at least one
3 person, under his direction. So what we have is a minor being
4 prostituted and the use of interstate facilities to accomplish
5 that crime, which the Court views as, short of homicide, one of
6 the most serious crimes that a person can commit under the federal
7 criminal code. So that first factor weighs heavily in favor of a
8 lengthy sentence.

9 The other factor I just mentioned is the history and
10 characteristics of the defendant. The sentencing guidelines
11 sometimes themselves can seem rather mechanical, but one thing
12 that is always of importance is the criminal history a defendant
13 has, and they are ranked on a scale of I, being basically no
14 criminal history, to a scale of VI, which is the highest.

15 The defendant falls into the highest category because he
16 has at least two prior felony drug convictions making him a career
17 offender. If it weren't for that provision of the guidelines, he
18 wouldn't hit a VI, but he would hit very close to it with a V. He
19 has a long criminal record. There's seven adult convictions that
20 are too old to count. He has convictions for trafficking in
21 cocaine, possessing cocaine, absconding, additional possession of
22 cocaine on repeated times, all indicative of an uncontrolled drug
23 habit.

24 The second factor I'm to look to is to impose a sentence
25 that reflects the seriousness of the crime, to promote respect for

1 the law, to provide adequate deterrence both to Mr. Alexander
2 himself but to other persons who would look at a sentence like
3 this and determine exactly what they could expect. That
4 particularly is a matter the Court takes seriously in this case.

5 And also provide the public with protection from anything
6 -- from any further crimes from the defendant is also a factor in
7 this case.

8 And also to provide the defendant with any type of needed
9 medical care or other correctional treatment, which we'll talk
10 about in a moment the need for drug treatment in this case.

11 I am next to look at the sentencing guidelines themselves
12 together with any policy statements made by the sentencing
13 commission in this area.

14 And then the last factor that applies in this case, I
15 want to spend a moment discussing it, and that is the need to
16 avoid unwarranted sentence disparities. This guideline doesn't
17 specifically mention someone else who might be a co-defendant, in
18 the case of Ms. Howard, but I will discuss it both in the abstract
19 but also with regard to her.

20 Whenever comparisons are made between defendants, because
21 a fair sentencing regime, of course, would have some relationship
22 among defendants to the sentence received, but the first thing in
23 a fair comparison is to look at what is similar and what is not.

24 The first dissimilarity with Ms. Howard is that she gave
25 the government substantial cooperation, which under the guidelines

1 under this code section is always an important factor. She has a
2 criminal record but not as lengthy or as aggravated as the
3 defendant's. She received acceptance of responsibility. She
4 received a cooperation agreement in her conduct. I will leave it
5 to the government to weigh exactly the gravity of each. It looks
6 to me as they both had pretty significant responsibilities here.
7 I would agree with the government that Mr. Alexander's were
8 somewhat greater. And those two factors, the great involvement,
9 her cooperation and her acceptance of responsibility, all justify,
10 in the Court's mind, a difference in the sentences with these two
11 defendants.

12 The last issue of restitution is not an issue in this
13 case.

14 So for all these reasons I initially find that the
15 agreement reached by the parties is fair. The government is
16 spared the burden of a trial, particularly with a minor victim in
17 this case. The defendant receives somewhat of a benefit because
18 his sentence is below the guideline range otherwise applicable in
19 this case.

20 Taking all of these factors into consideration, it will
21 be the judgment of the Court that the defendant shall be placed in
22 the custody of the Bureau of Prisons for a term of 180 months. He
23 will serve a term of supervised release of five years upon his
24 release. And he will pay a special assessment in the amount of
25 \$100 and forfeit the property listed in the criminal forfeiture

1 count of the indictment.

2 He will comply with the standard conditions of supervised
3 release imposed by the court.

4 And he will submit to a collection of a sample of his DNA
5 by the Bureau of Prisons or his probation officer.

6 He will also comply with several special conditions of
7 supervision. While on supervised release, he will register as a
8 sex offender and be subject to the provisions of the SORNA Act,
9 the federal Sex Offender Registration and Notification Act,
10 together with any applicable state sex offender notification law
11 in effect any place where he lives, works or goes to school. And
12 that will be detailed in the presentence report to dovetail with
13 the language in -- the judgment and commitment order will dovetail
14 with the language in the presentence report. Second, he will
15 participate in any type of testing and treatment for alcohol and
16 controlled substance abuse directed by the probation officer and
17 will be responsible for a co-pay. And third, he will absolutely
18 have no contact with the victim in this case nor with the
19 co-defendant.

20 I dismiss Count One of the indictment pursuant to the
21 terms and conditions of the plea agreement.

22 I will also recommend that he receive drug treatment
23 during the time he spends in the custody of the Bureau of Prisons.

24 Are there any objections you'd like to lodge or any other
25 sentencing matters I have not addressed?

1 MR. YEAZEL: The only other matter, Your Honor, he
2 requests that you recommend that he be placed in Elkton so he can
3 be close to his children who live here in Columbus.

4 THE COURT: All right. I will recommend that.

5 MR. YEAZEL: Thank you, Your Honor.

6 THE COURT: Anything additional from the government,
7 Ms. Hill?

8 MS. HILL: No, Your Honor.

9 THE COURT: Mr. Alexander, it's also my obligation to
10 review with you your right to appeal the sentence I have just
11 given you.

12 MS. HILL: Your Honor, if I could interrupt, I believe
13 the plea agreement actually has a waiver of his appellate rights.

14 THE COURT: Right, and there are some exceptions that I
15 seriously doubt would apply here, but I want to at least go
16 through the colloquy with him. You will recall there is the
17 ineffective assistance of counsel, which I'm sure didn't occur, or
18 misconduct by you, which I'm also sure didn't occur. But I just
19 want to go through the formalities.

20 MS. HILL: I apologize, Your Honor.

21 THE COURT: First of all, if you have any doubt about
22 your appellate issues, Mr. Alexander, so you understand, you can
23 consult with Mr. Yeazel, and he will give you advice as to how you
24 will pursue this. Do you understand that?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: You have 14 days from today's date if you
2 wish to appeal. If you are unable to afford the filing fee or a
3 lawyer to represent you, you may apply to the court, and the
4 filing fee may be waived, and a lawyer appointed to represent you.
5 Do you understand all of that?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Do you wish to appeal the sentence that I
8 have just given you?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: All right. Mr. Yeazel, will you perfect at
11 least the initial appeal if that's what he'd like to do? And, of
12 course, he understands the waiver matters we have just discussed.

13 MR. YEAZEL: Yes, Your Honor, I will do that, and I will
14 do it as soon as Mr. Quisumbing files the judgment and commitment
15 order.

16 THE COURT: I appreciate that. Thank you. And I want to
17 thank you for your service, Mr. Yeazel. You've not had an easy
18 task, nor have you, Ms. Hill. So I appreciate your service on
19 behalf of the court.

20 Are there any other matters further in this case?

21 MS. HILL: No, Your Honor, thank you.

22 MR. YEAZEL: Not on behalf of the defendant.

23 THE COURT: With that, we will be in recess.

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C E R T I F I C A T E

I, Laura L. Samuels, do hereby certify that the foregoing is
a true and correct transcript of the proceedings of the Sentencing
Hearing, in the case of: United States of America, Plaintiff, v.
Valerio V. Alexander, Defendant, case no. 2:13-cr-106, before the
Honorable Edmund A. Sargus, Jr., Chief Judge, in the United States
District Court, Southern District of Ohio, Eastern Division, on the
date indicated, reported by me in shorthand and transcribed by me or
under my supervision.

/s/ Laura L. Samuels
Laura L. Samuels, RPR
Federal Official Court Reporter